

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-4, 12-18, 21, 23, and 26-28 are presently pending in this case. Claims 1-3, 12, 14, and 15 have been amended by way of the present Amendment. Claims 5-11, 19, 20, 22, 24, and 25 have been canceled without prejudice or disclaimer. Pending Claims 13, 17, 18, 21, and 23 have been withdrawn from consideration. Care has been taken such that no new matter has been entered.

In the outstanding Official Action, Claims 1-4, 12, 14-16, and 26-28 were rejected under 35 U.S.C. 102(b) as being anticipated by Bernier (U.S. Patent No. 4,004,536). For the reasons discussed below, the Applicants request the withdrawal of the art rejections.

In the Office Action, the Bernier reference is indicated as anticipating each of independent Claims 1 and 12. However, the Applicants note that a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference. As will be demonstrated below, the Bernier reference clearly does not meet each and every limitation of independent Claims 1 and 12.

The Official Action indicated that the phrase “configured to” was not being interpreted as a positive recitation of structural limitations. Accordingly, the claims have been amended to remove the phrase “configured to,” and thus the Applicants respectfully request the consideration of all of the limitations recited in the claims, since there is no longer any confusion regarding whether or not certain features are being positively recited in the claims.

Claim 1 of the present application recites a motion reduction apparatus comprising a

plumb plate which is provided on at least a side of a floating main body, is separated from the floating main body by a specific distance, and extends in a vertical orientation from a lowermost bottom surface of the floating main body. The Applicants submit that the Bernier reference fails to disclose all of the above limitations.

The Official Action cites the embodiment of Figures 23-24 in the Bernier reference for the teaching of the invention recited in Claim 1 of the present application. The Applicants note that the vanes (355) in this embodiment do not extend in a vertical orientation. As is evident from a review of Figure 24 of the Bernier reference, the vanes (355) are clearly provided in a substantially horizontal orientation along the bottom surface of the boat hull. The vanes (355) are provided in a horizontal orientation in order to prevent the boat from sliding on the water during a banking turn of the boat. In direct contrast, the plumb plate of the present invention is provided in a vertical orientation in order to reduce the motion of the floating body caused by waves. The vanes (355) of the Bernier reference are provided for a clearly distinct purpose from the plumb plate of the present invention, and the vanes (355) of the Bernier reference have a clearly distinct structural configuration from the plumb plate positively recited in Claim 1.

The Applicants submit that the Bernier reference fails to disclose a plump plate that extends in a vertical orientation as recited in Claim 1 of the present application. Thus, the Applicants respectfully request the withdrawal of the anticipation rejection of Claim 1 of the present application based on the Bernier reference.

Claim 12 of the present application advantageously recites a motion reduction apparatus comprising a plate member provided on a side of a floating main body, wherein an edge section of the plate member proximal to the floating main body is separated from the

floating main body by a specific distance, and an upper edge of the plate member is oriented at substantially a same level as a lowermost bottom surface of the floating main body. The Applicants submit that the Bernier reference fails to disclose all of the above limitations.

The Official Action cites the embodiment of Figures 23-24 in the Bernier reference for the teaching of the invention recited in Claim 12 of the present application. The Official Action indicates that the upper surface of the vane (355) is being cited for the edge section recited in Claim 12. The Applicants note that the upper surface extends along an entire length of the vane (355) from the pivot (361) to the rear end of the vane (355). Thus, the upper surface is attached to the hull at pivot (361) and not separated from the hull by any distance. Accordingly, the Applicants submit that the upper surface cannot be cited for the teaching of the edge section of Claim 12, which is recited as being "separated from the floating main body by a specific distance."

Thus, the Bernier reference fails to disclose or even suggest all of the limitations positively recited in Claim 12 of the present application. Accordingly, the Applicants respectfully request the withdrawal of the anticipation rejection of Claim 12 of the present application based on the Bernier reference.

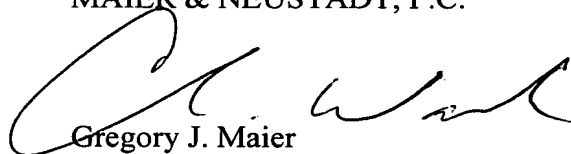
The dependent claims are considered allowable for the reasons advanced for the independent claim from which they respectively depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of their respectively independent claim.

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Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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A handwritten signature in black ink, appearing to read 'G. Maier', written over the printed name of Gregory J. Maier.

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